

**A RESOLUTION BY  
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL  
CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF  
CITY OF COLLEGE PARK V. CITY OF ATLANTA AND CITY OF  
ATLANTA AND FULTON COUNTY RECREATION  
AUTHORITY, CIVIL ACTION FILE NO. 07-CV-134543; AND FOR  
OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”), the City of Atlanta and Fulton County Recreation Authority (“Recreation Authority”) and College Park, Georgia (“College Park”) entered into that certain Intergovernmental Contract dated April 26, 1996, as amended by the First Amendment to Contract dated as of December 1, 2005 (collectively, the “Contract”); and

**WHEREAS**, pursuant to the Contract the City and College Park agreed to levy and collect a rental car tax within their respective boundaries, a portion of the proceeds of which have been applied to secure the payment of the principal of, and interest on, certain revenue bonds; and

**WHEREAS**, the Rental Car Tax Law (O.C.G.A. 48-13-90, et seq.) authorizes municipalities levying the excise tax authorized by such law to expend the proceeds of such tax for purposes which are specified with particularity through municipal legislation; and

**WHEREAS**, College Park filed an action in the Superior Court of Fulton County, Georgia on May 21, 2007, styled *City of College Park v. City of Atlanta and City of Atlanta and Fulton County Recreation Authority*, Civil Action File No. 07-CV-134543 (the “Lawsuit”) seeking a declaratory judgment as to the proper methodology for calculating the components of excess rental car tax collected, and seeking certain other legal and equitable relief; and

**WHEREAS**, the City has agreed to accept \$1,421,286.37 in accumulated investment earnings and \$6,207,021.83 in excess collections in full settlement of all claims against the City and counterclaims against College Park, as well as a certain percentage of future investment earnings; and

**WHEREAS**, College Park has agreed to accept \$947,524.24 in accumulated investment earnings and \$10,622,623.94 in excess collections in full settlement of all claims against the City, as well as a certain percentage of future investment earnings; and

**WHEREAS**, the City Attorney considers it to be in the best interest of the City to settle all claims against the City.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the City Attorney is hereby authorized to settle and execute all documents in the case of *City of College Park v. City of Atlanta and City of Atlanta and Fulton County Recreation Authority*; and

**BE IT FURTHER RESOLVED**, the City hereby authorizes the expenditure of the proceeds of the tax levied in and for the City pursuant to the Rental Car Tax Law in a manner consistent with such law, for the promotion of industry, trade, commerce and tourism and for public safety facilities in the central business district or for any other such purpose authorized in intergovernmental contracts between jurisdictions levying such tax; and

**BE IT FURTHER RESOLVED**, all funds received pursuant to the settlement of this action shall be paid into **FUND \*\*\*\* (\*\*\*\*\*) ACCOUNT \*\*\*\* (\*\*\*\*\*) CENTER NUMBER \*\*\*\* (\*\*\*\*\*)**.

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